

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA**

In re:

Bankruptcy No. 24-30152

Chapter 11 – Subchapter V

The Fargo Brewing Company, LLC,

Debtor.

**ORDER REGARDING SUBCHAPTER V TRUSTEE'S
MOTION FOR POST-PETITION SECURITY DEPOSIT**

Subchapter V Trustee Thomas Kapusta filed a Motion for Post-Petition Security Deposit, seeking a post-petition security deposit in the sum of \$6,000.00. Doc. 35. Debtor objected to the motion. Doc. 72. The United States Trustee filed a reply to the Debtor's objection. Doc. 76.

On May 9, 2024, the Court held a hearing on the motion. Creditor First Western Bank & Trust supported the Subchapter V Trustee's motion. All other interested parties maintained the positions asserted in their pleadings.

During the hearing, Debtor consented to pay a retainer in the sum of \$1,725 to the Subchapter V Trustee, which is equal to the retainer Debtor's attorneys held at the time of the petition. The sum of the retainer Debtor agreed to provide to the Subchapter V Trustee is consistent with the relief the Court granted in the Order Granting Motion to Use Cash Collateral. See Doc. 84. For the reasons stated on the record, the Court finds no authority to order Debtor to pay the Subchapter V Trustee a retainer in excess of this sum. Therefore,

IT IS ORDERED that the Motion of the Subchapter V Trustee for Postpetition Security Deposit is granted in part and denied in part. Debtor is authorized to pay the Subchapter V Trustee a security deposit in the sum of \$1,725. All other relief is denied.

Dated: May 9, 2024.

A handwritten signature in black ink, appearing to read "Shon Hastings". The signature is fluid and cursive, with the first name "Shon" and last name "Hastings" clearly distinguishable.

SHON HASTINGS, JUDGE
UNITED STATES BANKRUPTCY COURT